

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. 18-53572-pmb
	:	
KENNETH GREGORY COOK,	:	
	:	
Debtor.	:	
	:	CHAPTER 13
	:	

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**OBJECTION TO CONFIRMATION OF PLAN MODIFICATION**

COMES NOW The Southland Owners Association, Inc., a secured creditor in these proceedings, and objects to confirmation of Debtor's Plan Modification on the following grounds:

1.

On March 2, 2018, Debtor filed the above-referenced case pursuant to Chapter 13 of the Bankruptcy Code.

2.

The Southland Owners Association, Inc. ("The Southland") holds a claim secured by a lien on Debtor's property at 5771 Southland Walk, Stone Mountain, Georgia. The Southland's claim for association assessments and associated charges is secured by a lien provided by Declaration of Covenants, Conditions and Restrictions for The Southland, as amended, recorded in the records of the Clerk, DeKalb County Superior Court. Also, creditor holds a statutory lien. O.C.G.A. §44-3-232.

3.

Debtor's proposed Chapter 13 Plan Modification [Document no. 56] provides for a 72 months plan. Owner is not current with post-petition assessments. Since the filing of the case, assessments have accrued at \$395.00 yearly. After applying partial payments, Debtor owes \$1,667.50 post-petition. This includes \$139.49 interest at 10%, late charges at \$19.75 for every missed payment and attorney's fees of \$161.92. Feasibility is in question.

4.

The Plan is not proposed in good faith. 11 U.S.C. §1325(a)(3). The Southland does not accept the proposed Plan Modification and the Plan does not adequately provide for The Southland lien for assessments. 11 U.S.C. §1325(a)(5).

5.

Debtor's proposed Plan does not comply with the provisions of Chapter 13 of the United States Bankruptcy Code. 11 U.S.C. §1325(a)(1) and 11 U.S.C. §1329.

WHEREFORE, The Southland prays that confirmation be denied.

This 9<sup>th</sup> day of December 2021.

Respectfully Submitted,

LAZEGA & JOHANSON LLC

s/Richard J. Joseph

Richard J. Joseph

Georgia Bar No. 405325

Attorney for The Southland

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**CERTIFICATE OF SERVICE**

I, Richard J. Joseph, certify that I am over the age of 18 and that on December 9, 2021 I served a copy of the foregoing **Objection to Confirmation of Plan Modification** by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

Kenneth Gregory Cook  
5771 Southland Walk  
Stone Mountain, Georgia 30087

Howard P. Slomka, Esq.  
Slipakoff & Slomka  
6400 Powers Ferry Road, N.W., Suite 391  
Atlanta, Georgia 30339

Melissa J. Davey, Esq.  
Chapter 13 Trustee  
260 Peachtree Street, N.W., Suite 200  
Atlanta, Georgia 30303

This 9<sup>th</sup> day of December 2021.

s/Richard J. Joseph  
Richard J. Joseph  
Georgia Bar No. 405325

LAZEGA & JOHANSON LLC  
P.O. Box 250800  
Atlanta, Georgia 30325